



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

10/660,129

09/11/2003

Mary Anne G. Amato

1015-2

6916

7590

04/21/2004

Ryan, Mason & Lewis, LLP
90 Forest Avenue
Locust Valley, NY 11560

EXAMINER

CONLEY, FREDRICK C

ART UNIT

PAPER NUMBER

3673

DATE MAILED: 04/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|-------------------------------|------------------------------|--|
| Office Action Summary | Application No. 10/660,129 | Applicant(s) AMATO ET AL. | |
| | Examiner Fredrick C Conley | Art Unit 3673 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 13, 15, 19 and 20 is/are rejected.
- 7) ☒ Claim(s) 10-12, 14 and 16-18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>09/11/03</u> . | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-9, 13, and 19-20 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Pat. No. 2,486,466 to Davis.

Claim 1, Davis discloses a crib apparatus, comprising:

a headboard and a footboard (A,B), the headboard and footboard being spaced from and arranged substantially parallel to one another;

first and second side rails (C,D), the first and second side rails being spaced from and arranged substantially parallel to one another and substantially orthogonal to the headboard and the footboard, each of the first and second side rails being operatively attached to the headboard and footboard; and

a mattress frame 5 for supporting a mattress, the mattress frame being operatively attached to at least the headboard and footboard and being substantially orthogonal to the headboard, footboard and side rails;

wherein at least one of the headboard and the footboard includes an access opening 3 formed therein 'through which the mattress can be slidably removed from the crib apparatus (fig. 1).

Claim 2, further comprising at least one access panel (B1) configurable for preventing the mattress from being slidably removed through the access opening when

in a first position and for providing access for slidably removing the mattress through the access opening when in a second position.

Claim 3, further comprising a locking mechanism (M), the locking mechanism being configured so as to prevent inadvertent removal of the mattress from the crib apparatus.

Claim 4, wherein the locking mechanism comprises a first portion 30 fixedly attached to the at least one access panel and a second portion 33 fixedly attached to at least one of the headboard and the footboard, the first and second portions of the locking mechanism being coupled together while in a first position and being uncoupled from one another while in a second position (col. 4 lines 27-46).

Claim 5, wherein the at least one access panel is pivotally attached at 4 to at least one of the headboard and the footboard, the access panel being configured so as to provide a surface for supporting the mattress while the mattress is slidably removed from the crib apparatus (fig. 6).

Claim 6, wherein at least one of the first and second side rails is configured such that a height of the at least one side rail can be lowered and raised, in relation to the headboard and footboard, between a plurality of vertical positions, a first one of the positions corresponding to a locked position and at least a second one of the positions corresponding to a lowered position (col. 2 lines 46-49).

Claim 7, wherein the crib apparatus is configured such that the at least one side rail can be placed in the lowered position when the mattress is at least partially slide out from the crib apparatus.

Claim 8, wherein the mattress frame 5 is slidably attached to at least the footboard B, the mattress frame being configured such that the mattress frame can be slid out substantially horizontally from the crib apparatus through the access opening in at least one of the headboard and footboard (col. 3 lines 37-46).

Claim 9, wherein the mattress frame is configurable for selectively adjusting a height of the mattress (col. 1 lines 6-8).

Claim 13, wherein at least one of the headboard, footboard, and first and second side rails is at least partially formed having a plurality of spaced vertical bar members (fig. 1).

Claim 19, further comprising a plurality of support legs, each of the support legs being attached to a corresponding corner of the mattress frame, the support legs being configurable for selectively adjusting a height of the crib apparatus (col. 5 lines 7-11).

Claim 20, wherein a width of the first and second side rails is greater than a width of at least one of the headboard and the footboard (fig. 1).

Claim Rejections - 35 USC § 103

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 2,486,466 to Davis in view of U.S. Pat. No. 4,146,885 to Lawson.

With regards to claim 15, Davis discloses all of the Applicant's claimed limitations except for having an alarm circuitry. Lawson discloses alarm circuitry for detecting and indicating a presence of an alarm condition (col. 6-7 lines 52-68 and 1-6). It would have been obvious to one having ordinary skill in the art at the time of the invention to employ alarm circuitry as taught by Lawson in the crib of Davis in order to detect sleep apnea.

Allowable Subject Matter

Claims 10-12, 14, 16-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

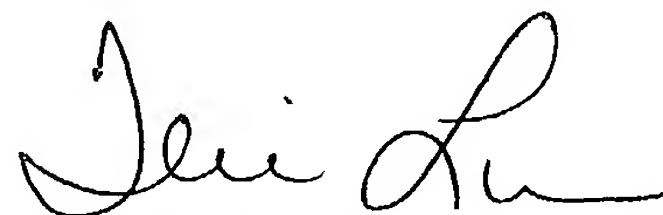
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fredrick C Conley whose telephone number is 308-7468. The examiner can normally be reached on m-th m-fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Shackelford can be reached on 308-2978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

FC



**TERI PHAM LUU
PRIMARY EXAMINER**